

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see remarks filed March 17, 2008 with respect to the rejection(s) of claim(s) 1, 8, 22 under 35 U.S.C. 102(e) and Claims 4, 12, 26 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly cited references Delfs et al. (US 6,826,404) and Becker et al. (US 7,177,303).

Delfs, which also teaches a wireless system wherein DTMF signals are transmitted, teaches the sending of DTMF signals via an out-of-band channel (Col. 7 lines 16 - 21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the DTMF out-of-band method of Delfs in the system of Moores as an alternative means for achieving the predictable result of transmitting DTMF signals.

Becker, which also teaches a telecommunication system wherein DTMF signals are transmitted, teaches the transmission of short message data via DTMF (Cols. 4 lines 65 - 67, 5 lines 1 - 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the out-of-band data of Moores in view of Delfs with the short message data method of Becker for the purpose of providing a more flexible wireless system that provides short messaging.

Regarding Applicant's assertion on Page 13, 2nd Paragraph "Assuming Osann had a recording command ... Osann still **did** not disclose ...". The recording commands are taught by **Moors**. Osann was cited for it's teaching of wherein the mobile switching center forwards the voice signal to the voice recorder using a streaming protocol.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 3, 5 – 11, 14 – 16, 18 – 22, 24 – 25, 28 – 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Moore** et al. (US 2004/0132432) in view of **Delfs** et al. (US 6,826,404)

Regarding Claim 1, **Moore** teaches a cellular telephone device, comprising: a radio unit for transmitting over a cellular telephone network, the cellular telephone network capable of in-band communication (Sections 0050, 0055, 0062); a messaging unit operatively coupled to the radio unit to determine when a user of the cellular telephone device desires to record a cellular telephone conversation and, when the user of the cellular telephone device desires to record a cellular telephone conversation, to transmit a record enable signal via the radio unit (Section 0062, when the user wants to transmit a start command there will be a determination or detection of such a transmission).

Moore's does not teach the cellular network capable of both in-band communication and out-of-band communication and transmitting a record enable signal via the radio unit using the out-of-band communication.

Delfs teaches a cellular network capable of out-of-band communication and transmitting DTMF signals using out-of-band communication (Col. 7 lines 16 - 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the DTMF out-of-band method of Delfs in the system of Moore's as an alternative means for achieving the predictable result of transmitting DTMF signals.

Regarding Claim 8, Moore's teaches communications equipment capable of communicating with a remote cellular telephone device and of recording telephone conversations (Sections 0054, 0055, 0062) therewith, the communications equipment comprising: a cellular base station for receiving a cellular telephone conversation with a remote cellular telephone device on an in-band channel and for receiving a record enable signal from the remote cellular telephone device (Figure 1, Sections 0050, 0055, 0062); and a recorder operatively coupled to the cellular base station to receive the telephone conversation on the traffic channel and record the conversation upon the record enable signal (Section 0062).

Moore's does not teach receiving a record enable signal from the remote cellular telephone device on an out-of-band channel.

Delfs teaches DTMF signals on an out-of-band channel (Col. 7 lines 16 - 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the DTMF out-of-band method of Delfs in the system of Moores as an alternative means for achieving the predictable result of transmitting DTMF signals.

Regarding Claim 22, Moores teaches a method of communicating over a cellular telephone to record voice conversations, the method comprising the steps of: transporting a cellular telephone conversation between a remote cellular telephone device and a base station on an in-band communication (Figure 1, Sections 0050, 0055, 0062); transporting a record enable signal from the remote cellular telephone device to the base station (Figure 1, Sections 0050, 0055, 0062, the in-band communication is the communication between the mobile phones such as voice communications and the out-of-band communication is the signaling used to transmit the recording instructions to the central computer, both forms of communication will initially be received by a base station); and recording the telephone conversation upon an enable signal (Section 0062).

Moores does not teach transporting a record enable signal from the remote cellular telephone device to the base station on an out-of-band communication.

Delfs teaches DTMF signals on an out-of-band channel (Col. 7 lines 16 - 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the DTMF out-of-band method of Delfs in the system of Moores as an alternative means for achieving the predictable result of transmitting DTMF signals.

Regarding Claims 2, 25, Moores in view of Delfs teaches all of the claimed limitations recited in Claims 1, 24. Moores further teaches wherein the in-band communication is a traffic channel and signaling channel (Sections 0050, 0055, 0062, the in-band communication is the communication between the mobile phones such as voice communications, which occurs via a traffic channel, said in-band communication also comprises the recording commands via the DTMF signals). Delfs further teaches out-of-band communications (Col. 7 lines 16 - 21).

Regarding Claims 3, 11, Moores in view of Delfs teaches all of the claimed limitations recited in Claims 2, 8. Moores further teaches wherein the in-band communication is a voice channel (Sections 0050, 0062, the in-band communication is the communication between the mobile phones such as voice communications thus there will be a voice channel).

Regarding Claims 6, 15, 29, Moores in view of Delfs teaches all of the claimed limitations recited in Claims 2, 10, 24. Delfs further teaches wherein the out-of-band communication is a cellular data channel (Cols. 5 lines 17 – 19, 7 lines 16 – 21, Delfs teaches a cellular system thus the out-of-band communication comprises cellular data channels).

Regarding Claim 7, Moores in view of Delfs teaches all of the claimed limitations recited in Claim 1. Moores further teaches wherein the record enable signal comprises a record start signal and a record stop signal (Section 0062); wherein the messaging unit is operatively coupled to the radio unit to transmit the record start signal via the radio unit when the user of the cellular telephone device desires to start recording the

cellular telephone conversation (Section 0062); and wherein the messaging unit is operatively coupled to the radio unit to transmit the record stop signal via the radio unit when the user of the cellular telephone device desires to stop recording the cellular telephone conversation (Section 0062). Delfs further teaches out-of-band communications (Col. 7 lines 16 – 21).

Regarding Claim 9, Moores in view of Delfs teaches all of the claimed limitations recited in Claim 8. Moores further teaches a media gateway operatively coupling the cellular base station to the public switched telephone network to transport telephone communications between the remote cellular telephone device and a remote public switched telephone device (Figure 1, typical cellular systems comprises media gateways that couple the base stations to the PSTN).

Regarding Claim 10, Moores in view of Delfs teaches all of the claimed limitations recited in Claim 8. Moores further teaches wherein the in-band communication is a voice channel and signaling channel to carry the record enable signal (Sections 0050, 0055, 0062, the in-band communication is the communication between the mobile phones such as voice communications, which occurs via a traffic channel, said in-band communication also comprises the recording commands via the DTMF signals). Delfs further teaches out-of-band communications and wherein the out-of-band communication includes a signaling channel (Col. 7 lines 16 - 21).

Regarding Claim 16, Moores in view of Delfs teaches all of the claimed limitations recited in Claim 8. Moores further teaches a mobile switching center operatively coupled to the cellular base station to fork off a communication signal to the

recorder upon receipt of the enable signal (Figure 1, Section 0062, in order for the central computer to receive and record the communication said communication will need to be forwarded or forked off via the MSC).

Regarding Claims 18, 30, Moores in view of Delfs teaches all of the claimed limitations recited in Claims 8, 22. Moores further teaches wherein the record enable signal comprises a record start signal and a record stop signal (Section 0062); wherein the cellular base station receives the record start signal from the remote cellular telephone device; and wherein the cellular base station receives the record stop signal from the remote cellular telephone device (Section 0062); and wherein the voice recorder receives the voice conversation on a voice channel and starts recording the voice conversation upon the record start signal and stops recording the voice conversation upon one of at least either the record stop signal and an end of the voice conversation (Section 0062). Delfs further teaches an out-of-band channel (Col. 7 lines 16 - 21).

Regarding Claim 19, 31, Moores in view of Delfs teaches all of the claimed limitations recited in Claims 8, 22. Moores further teaches a media gateway operatively coupled to the cellular base station and the voice recorder to save and provide for future remote retrieval of the recorded conversation (Figure 1, Section 0073 lines 1 - 16, typical cellular systems comprises media gateways that couple the base stations to the PSTN).

Regarding Claim 20, Moores in view of Delfs teaches all of the claimed limitations recited in Claim 19. Moores further teaches wherein the media gateway

provides for future remote retrieval of the recorded conversation using an interactive menu of at least one of visual and audible menus (Section 0073 lines 1 – 16).

Regarding Claims 21, 32, Moores in view of Delfs teaches all of the claimed limitations recited in Claims 19, 22. Moores further teaches wherein the media gateway forwards the recorded conversation to a distribution location using a standard digital encoded format (Section 0090, in order for the recorded conversations to be accessed via the web said conversations will need to be in a digital format), stores the conversation as a link on a website and provides the web address to each of the calling parties via at least one of voice message and text message (Sections 0090, 0093, e-mail messages comprise text).

Regarding Claim 24, Moores in view of Delfs teaches all of the claimed limitations recited in Claim 22. Moores further teaches wherein the in-band communication includes a voice channel and a non-voice channel (Sections 0050, 0055, 0062, the in-band communication is the communication between the mobile phones such as voice communications, which occurs via a traffic channel, said in-band communication also comprises the recording commands via the DTMF signals, which are non-voice). Delfs further teaches DTMF signals via an out-of-band channel (Col. 7 lines 16 – 21, the DTMF signals are non-voice thus the out-of-band channel is a non-voice channel).

4. Claims 4, 12, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moores et al. (US 2004/0132432) in view of Delfs et al. (US 6,826,404), as applied to Claims 2, 10, 24 above, and further in view of Becker et al. (US 7,177,303).

Regarding Claims 4, 12, 26, **Moore**s in view of **Delfs** teaches all of the claimed limitations recited in Claims 2, 10, 24. **Moore**s in view of **Delfs** does not teach wherein the out-of-band communication is a short message data channel.

Becker, which also teaches a telecommunication system wherein DTMF signals are transmitted, teaches the transmission of short message data via DTMF (Cols. 4 lines 65 – 67, 5 lines 1 – 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the out-of-band data of **Moore**s in view of **Delfs** with the short message data method of **Becker** for the purpose of providing a more flexible wireless system that provides short messaging.

5. Claims 5, 14, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Moore**s et al. (US 2004/0132432) in view of **Delfs** et al. (US 6,826,404), as applied to Claims 2, 10, 24 above, and further in view of **Valentine** et al. (US 6,487,209)

Regarding Claims 5, 14, 28, **Moore**s in view of **Delfs** teaches all of the claimed limitations recited in Claims 2, 10, 24. **Moore**s in view of **Delfs** does not teach wherein the out-of-band communication is sent using an Internet protocol.

Valentine, which also teaches a wireless system wherein DTMF signals are transmitted, teaches DTMF signals sent using an internet protocol (Cols. 3 lines 33 – 36, 6 lines 5 – 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the out-of-band communication of **Moore**s in view of **Delfs**

with the internet protocol method of Valentine for the purpose of providing a lower cost means for transferring DTMF signals as taught by Valentine.

6. Claims 17, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moores et al. (US 2004/0132432) in view of Delfs et al. (US 6,826,404), as applied to Claims 16, 22 above, and further in view of Osann (US 2004/0203608).

Regarding Claim 17, Moores in view of Delfs teaches all of the claimed limitations recited in Claim 16. Moores in view of Delfs does not teach wherein the mobile switching center forwards the voice signal to the voice recorder using a streaming protocol.

Osann teaches wherein the mobile switching center forwards the voice signal to the voice recorder using a streaming protocol (Section 0024 lines 8 – 11, voice, images, and video via the web is typically streamed).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Moores in view of Delfs with the streaming protocol of Osann as an alternative means of transmitting voice communication.

Regarding Claim 23, Moores in view of Delfs teaches all of the claimed limitations recited in Claim 22. Moores in view of Delfs does not teach the step of transporting telephone communications between the remote cellular telephone and another telephone on a network.

Osann further teaches the step of transporting telephone communications between the remote cellular telephone and another telephone on a network (Sections 0022, 0023).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Moores in view of Delfs with the transport method of Osann for purpose of communicating other types of devices thus enabling a more versatile system.

7. Claims 13, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moores et al. (US 2004/0132432) in view of Delfs et al. (US 6,826,404) in view of Becker et al. (US 7,177,303), as applied to Claims 12, 26 above, and further in view of Olsson et al. (5,915,222).

Regarding Claims 13, 27, Moores in view of Delfs and in further view of Becker teaches all of the claimed limitations recited in Claims 12, 26. Moores in view of Delfs and in further view of Becker does not teach wherein the short message data channel uses SS7 signaling.

Olsson teaches wherein the short message data channel uses SS7 signaling (Col. 3 lines 10 – 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Moores in view of Delfs and in further view of Becker with the SS7 feature of Olsson as an alternative means for transporting the SMS data as taught by Olsson.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/
Primary Examiner, Art Unit 2618

Raymond S. Dean
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